

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING  
PLANNING COMMISSION AT ITS REGULAR MEETING OF FEBRUARY 18, 2014

PLANNING COMMISSION  
MINUTES OF JANUARY 21, 2014  
CITY COUNCIL CHAMBERS  
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Arnoys, Bueche, Goodheart, Hegyi, Micele, Postema, Spencer,  
Weller

MEMBERS ABSENT: Woodruff

STAFF PRESENT: Rynbrandt, Director of Community Services  
Cochran, City Planner  
Lucar, Administrative Aide

Chair Spencer called the meeting to order at 6:00 PM.

Motion by Hegyi, supported by Arnoys, to excuse Woodruff. Motion carried unanimously.

APPROVAL OF MINUTES

The minutes of December 16, 2013 were approved as written.

APPROVAL OF AGENDA

Motion by Hegyi, supported by Micele, to add Item 4 to the agenda: Form Based Code –  
Division Avenue. Motion carried unanimously.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

There were no comments.

AGENDA ITEM NO. 1

Request to rezone the 28<sup>th</sup> Street corridor from Clyde Park Avenue to Burlingame  
Avenue from DC Downtown Center, B-3 Planned Business, B-2 General Business and R-  
2 Single Family Residential to Form Based Code. (Section 11 and 14) (City of  
Wyoming)

Form Based Code History:

Cochran explained, on March 5, 2012, the City Council approved the Turn On 28th Street Corridor Sub Area Plan as an amendment to the City of Wyoming Land Use Plan 2020. The Sub Area Plan was the culmination of a two year transparent and inclusive community effort to re-imagine a one mile section of 28th Street between Clyde Park Avenue and Burlingame Avenue. The Sub Area Plan strives to guide the City by establishing a practical strategy to transform the aged commercial corridor into a vibrant, inviting, and sustainable mixed use district.

In order to implement the Sub Area Plan, new zoning codes were required to articulate set standards to the business community what was desired. Conventional zoning codes were recognized as being inadequate to properly articulate the placement of buildings, their appearance and the mixture of uses necessary for place making and being an economic development tool. Shortly after adoption of the Sub Area Plan, a City Council appointed Steering Committee was established to work with the consulting firms of Nederveld and Williams & Works and City staff to develop an appropriate Form Based Code (FBC) to establish, under law, these requirements.

After a year of development, the draft FBC was completed and adopted by the Steering Committee. The FBC's provisions are unique. Rather than utilize text almost exclusively, the FBC uses extensive graphics and pictures along with the text to articulate the requirements to be very user friendly. The FBC identifies six context zones within the 28th Street corridor, each with specific building design options, placements and uses. The FBC permits a wide range of land uses from a traditional downtown, retail, offices, educational, multifamily and single family residences. The FBC is structured to streamline the approval process by providing administrative approvals for projects meeting the specified project design options. The FBC also establishes specific street design standards to properly connect the public realm of streets and sidewalks with the buildings fronting upon them. This connectivity of buildings, mixed uses and public spaces is what creates vibrant place making. The FBC goes further by establishing maximum parking and shared parking standards. The combination of building and parking alternatives allows developers to achieve greater use of their properties.

In order to present it to the community for consideration, two public outreach meetings were held at the Wyoming Library on August 27th. The first meeting was held with area developers, commercial real estate agents, and financial interests. The second meeting was with corridor property owners and interested citizens. The feedback from both meetings was supportive of the FBC. In addition to the two public meetings, the FBC has been widely announced and has been posted on the City website under the 28 West marketing link. Specific individual meetings with key property owners and City representatives also occurred. It is also noteworthy that two redevelopment projects within the corridor, the recently completed Goodwill Store and the soon to be reconstructed Wimsatt Building Supply, have adhered to the new FBC standards even prior to their adoption.

On October 15, 2013 the Planning Commission recommended adoption of the FBC to the City Council. On December 16, 2013 the City Council adopted the FBC in final reading. Immediately

thereafter, the process of rezoning the subject one mile corridor was initiated, with notices sent to all affected property owners and occupants, as well as those within 600 feet.

With the rezoning of the 28th Street corridor properties to FBC, the need for the DC Downtown Center provisions within the Zoning Code will no longer be needed. Staff will begin the process to remove those obsolete provisions when appropriate.

Conformance with the City of Wyoming Sustainability Principles:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

The proposed rezoning will establish the development and land use controls necessary for the redevelopment of this aging commercial corridor. A long term sustainable future is envisioned through new development that promotes greater walkability, far ranging building use opportunities and a greater economic vibrancy through the relation of buildings and their uses. The proposed rezoning conforms to the City of Wyoming sustainability principals.

Planning Commission Action:

The Development Review Team suggested the Planning Commission recommend to the City Council the subject rezoning.

Chair Spencer opened the public hearing.

Linda McKinney, 1005 Buckingham, wondered how this rezoning would affect the property owners located in the area to be rezoned. She asked the meaning of the various zoning classifications noted on the map.

Audrey Pulley, 939 Canterbury, said her property backs up to the area proposed to be rezoned. She wondered how it would affect her property.

Margaret Hayes, 943 Canterbury, has lived in her residence 64 years. Regarding the former Rogers Lane Elementary School property, she thought there had been restrictions put in place when Mrs. Rogers donated the property that it could only be used for educational purposes.

Pam Wawee, 2707 DeHoop, asked how her property would be affected by the rezoning. She also wanted an explanation of the zoning classifications on the map.

Dan Samuels, 961 Canterbury, said his property abuts the Rogers Plaza parking lot and he has had problems with their trash collecting along the fence line. He thought the form based code and fly-through video on-line were fabulous and he praised the City's efforts.

Chair Spencer closed the public hearing.

Cochran addressed the questions raised at the public hearing. He noted there are many different zoning districts within a city of this size. He explained the various zoning categories on the map. This rezoning does not change the current use of the properties within its boundaries. As property owners choose to redevelop, they will follow the goals for development within the Form Based Code. The main goal is the development of the crescent street that will run south of 28<sup>th</sup> Street. Good Will is the first development that designed their building to meet Form Based Code requirements. Wimsatt will be going into the old Dermody property and they are also following the Form Based Code. Cochran offered to meet with any of the residents that still had questions regarding the rezoning.

Rynbrandt noted, regarding the former Rogers Lane elementary school building, it has been leased to Head Start. It is the property of Wyoming Public Schools, and she was not aware of any deed restrictions tied to the property.

Motion by Hegyi, supported by Micele, to recommend to the City Council the subject rezoning. Discussion followed.

Cochran remarked that properties such as Mrs. Wawee's on DeHoop Avenue will be positively affected because she will be next to a redeveloped, revitalized commercial corridor. Goodheart agreed. Redevelopment will energize the area. Chair Spencer thought redevelopment of businesses will instill pride of ownership and decrease problems such as trash, unkempt lawns, etc.

A vote on the motion carried unanimously.

## AGENDA ITEM NO. 2

Request for Special Use Approval for AmeriGas Propane Truck Terminal. The property is located at 2700 Remico Street, SW. (Section 16) (AmeriGas) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. The petitioner proposes to establish a propane distribution facility on this site. This use has been determined by the Board of Zoning Appeals to be a truck terminal as defined in the Zoning Code. Such use is permitted by Special Use Approval in this I-1 Light Industrial district. This site has been used as a truck terminal since the mid 1980's, but ceased operation approximately six years ago. Under Zoning Code Section 90-761 (5), if a Special Use ceases for more than one year, the Special Use is voided. Any request to reintroduce the Special Use must be processed in the same manner as a new Special Use.

The following standards for Special Use Approval shall be considered by the Planning Commission, as described within Section 90-761 (3) of the Zoning Ordinance:

- a. The possible substantial and adverse effect on neighboring property.

The property had been used for three decades as a freight distribution facility. The proposed AmeriGas facility would be similar in this regard, but would also include the continuous outdoor storage of propane and customer tanks. Most notably there would be four 30,000 gallon above ground tanks, with 170 individual customer tanks shown. Propane is highly volatile. However, this facility will be developed as rigorously regulated by the Michigan Department of Environmental Quality and the National Fire Protection Association standards. Propane distribution trucks and railroad tankers traverse Wyoming frequently. The site is approximately 600 feet distant from the nearest residential area to the east. Staff does not believe this use would have a substantial and adverse effect on neighboring properties.

- b. The consistency with the spirit, purpose and intent of this chapter.

The Special Use provisions of the ordinance allow the Planning Commission discretion in whether to establish land uses within a particular area of a zoning district. As stated, truck terminal use has been ongoing in this area for a long time. The proposed use is consistent with the intent of the chapter.

- c. The possible adverse effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.

The property has access to Remico Street and Clydon Avenue, which are commercial collector streets. The facility is planned for four office workers and seven drivers. The anticipated truck traffic generated by the proposed facility would not create adverse traffic impacts.

- d. The tendency of the proposed use to create any type of blight within the immediate area.

The business will reuse a currently vacated property. No blighting influence will occur to neighboring properties.

- e. The economic feasibility for the area.

The proposed use appears financially viable.

- f. Any other factor as may relate to the public health, safety and welfare for persons and property.

Staff had no additional comments.

- g. That all other provisions of this chapter are met.

Zoning Code section 90-473 requires that all open storage in the I-1 Light Industrial district be screened from view from public streets. The proposed fence along the northern

edge of the open storage area is visible from Remico Street. By ordinance, it must be at least five feet (six feet maximum) in height and at least 80 percent solid.

Staff had the following added site plan comments:

1. Discussions with the Fire Department are required to determine appropriate fire protection alternatives. These shall include, but not limited to, acceptable water supply service, building sprinkling, and fire lane coverage. Approval of a final fire protection coverage plan by the Fire Department is required.
2. Slats shall be placed, and maintained, within the existing fence along the north side of the open storage yard.

Cochran noted there were four letters received from adjoining businesses who are all opposed to this request.

Conformance with the City of Wyoming Sustainability Principles:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

The proposed redevelopment will reuse a vacant and neglected property. AmeriGas will provide consumer services to the area and provide employment. This facility will contribute to the city's economic and social strength. The proposed AmeriGas facility conforms to the City of Wyoming sustainability principals.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Special Use Approval for AmeriGas Propane Truck Terminal per Staff's Findings of Fact. Staff also recommended granting Site Plan Approval subject to conditions 1-2 noted.

Chair Spencer opened the public hearing.

Ben Amann, President of Grand Rapids Foam Technologies at 2788 Remico, located just west of the site, was opposed to this request. They would have never located their business here if they would have known propane tanks could be stored next door. They are in favor of filling a vacant building, but not with a use as dangerous in nature as propane gas distribution. He was stunned by the Board of Zoning Appeal's decision to classify this use as a truck terminal, because it is clearly a storage facility. He suggested the Commissioners visit the various government websites that show the safety incidents and explosions that have happened related to this type of use. His company would like to continue investing in Wyoming, but their safety is in jeopardy. Their insurance company has already stated that their rates will go up if this use goes in.

Chair Spencer closed the public hearing.

Attorney Matt Zimmerman, representing AmeriGas, introduced their other representatives in attendance. AmeriGas currently has about 40 facilities in Michigan. The facilities are designed beyond the local, state and federal safety requirements. He pointed out this property was built as a truck terminal, and they are proposing the exact use. There is another similar operation, Purity Gas, also located in the I-1 zone in Wyoming. They are an even larger operation than what AmeriGas is proposing. Regarding truck traffic, there are seven vehicles that will leave in the morning and return at night. Four other trucks will come and go during the day. In comparison, the former truck terminal on the site, Dayton Freight, made at least 100 trips per day. This is an industrial use proposed in an industrial area. Their operation does not create any waste. All of the tanks will be behind screening, and from Remico Street only the office will be visible. They must follow over 300 State safety regulations that deal with all aspects of this operation and its equipment. They also have to follow 97 Department of Environmental Quality regulations, which are even more stringent than at the State level. They will have to receive DEQ approvals and pass their inspections. Their design for propane tanks is allowed in residential subdivisions. The Governor recently issued an executive order releasing a few of the regulations because there is such a shortage of propane in this state. It is a safe operation and very heavily regulated.

Motion by Micele, supported by Bueche, to grant Special Use Approval for AmeriGas Propane Truck Terminal per Staff's Findings of Fact. Discussion followed.

Hegy mentioned one of the letters from neighboring businesses cited the AmeriGas application was not complete. Cochran confirmed their application was complete. Hegyi asked the Fire Chief to give his opinion on this proposal. Fire Chief Bob Austin stated he has reviewed the site plan and the safety regulations required. They will have to comply with the Building and Fire Codes, along with State and DEQ safety regulations. They will work with the petitioner in their development of a final fire protection coverage plan.

Micele asked, after the initial inspection by the DEQ, how often are they inspected? The petitioner replied every four years.

Weller asked if they meet all the National Fire Protection Association setback requirements. Chief Austin responded affirmatively.

Postema asked if Chief Austin was familiar with Purity Gas and their operation. Chief Austin said yes, and there have not been any problems except for a small fire in the building that was put out immediately by their fire suppression system.

Goodheart asked about the underground pipe that runs from the tanks to the building. Leon Scott from AmeriGas replied the underground pipe will only be used to fill the fork lift fuel tanks. Goodheart asked about the truck turning movements on the site. Chief Austin responded that 20 feet minimum fire lanes are required. Mr. Scott noted they have hired traffic consultants from Wade Trim to make sure all the truck turning radii are correct.

Postema asked Chief Austin if he felt comfortable that AmeriGas has met National Fire Protection Association requirements. Chief Austin replied he feels comfortable with the preliminary plans.

Hegyi asked if Purity Gas had to receive Special Use Approval. Cochran responded, since it has been there so long, it was most likely grandfathered.

Weller mentioned that Air Gas is another similar use located off 28<sup>th</sup> Street which has the same zoning.

A vote on the motion carried unanimously.

Motion by Hegyi, supported by Micele, to grant Site Plan Approval subject to conditions 1 – 2 noted. Discussion followed.

Bueche mentioned the site plan should be sealed and signed by an engineer and surveyor.

A vote on the motion carried unanimously.

### AGENDA ITEM NO. 3

POB No. 2/Metro Health Hospital parking easement update

Cochran updated the Planning Commission on this item. The parking easement agreement has been prepared that provides 159 spaces from Metro Hospital to the POB building. This has been reviewed by the City Attorney. Changes will require City approval based on future parking facilities.

### AGENDA ITEM NO. 4

Form Based Code – Division Avenue.

Cochran noted, with the pending August implementation of the Bus Rapid Transit system, our focus is now shifted to Division Avenue for development of a Form Based Code. The Cities of Kentwood and Wyoming will be working together on this endeavor. Another steering committee needs to be formed, and two Planning Commission members are requested to serve. The initial thought is to have meetings once a month, with the first meeting on February 24<sup>th</sup> at 6 p.m. at the City of Kentwood offices. Micele and Chair Spencer, who had previously served on the 28<sup>th</sup> Street FBC steering committee, agreed to serve.

### PUBLIC COMMENT

Dan Samuels, 961 Canterbury, was excited about the 28<sup>th</sup> Street FBC plans, but he was concerned about Rogers Plaza not cooperating. He had heard they were in bankruptcy. Cochran responded that Rogers Plaza was bought by Spiegel, a property management company out of



Texas. They have been very agreeable with the FBC plans, and understand that any redevelopment has to be according to the FBC requirements. As long as they maintain the mall property, it can remain as is. More than likely if redevelopment occurs it will be on a piecemeal basis. Rynbrandt mentioned that Barbara VanDuren, Deputy City Management, DDA Director, would be happy to discuss the FBC plans with him in further detail.

Pam Wawee, 2707 DeHoop, wanted to know how her home will be affected by the FBC rezoning. Cochran clarified there are no plans to acquire her home. These plans are only to offer development opportunities to property owners. When property owners choose to redevelop their properties, then the new codes will apply. Redevelopment will only increase the property values of nearby residences. He recommended she watch the fly-through video on the City's web site.

Jeanette Hill, 3002 Michael, south of Prairie Parkway, asked how the FBC will affect her property. Rynbrandt assured that no one will be acquiring her property. Cochran noted that any redevelopment would occur north of Prairie Parkway, not south. Her property values will most likely improve with future redevelopment.

Rich Avery, Pastor of Kentwood Community Church's new location at 2950 Clyde Park Avenue, introduced himself and said he looked forward to serving and partnering with the community.

#### ADJOURNMENT

The meeting was adjourned at 8:30 P.M.

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Anthony Woodruff, Secretary  
Wyoming Planning Commission

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Kimberly S. Lucar, Administrative Aide  
Wyoming Planning Commission